

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LINDA MCDONALD,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 4:13-cv-2334 KAW

**ORDER REGARDING PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

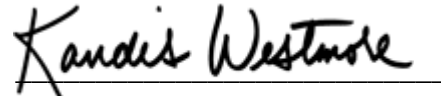
Plaintiff Linda McDonald is proceeding in this case without an attorney. Defendants filed a motion to dismiss on May 30, 2013. Dkt # 4. After Plaintiff failed to timely file an opposition to the motion to dismiss, the Court ordered her to file an opposition and show cause why the case should not be dismissed for failure to prosecute. Dkt # 13.

Plaintiff did not file a response to the order to show cause. Plaintiff did file a document titled, "Plaintiff's Objection to Defendant's Motion to Dismiss Plaintiff's Complaint with Memorandum of Points and Authorities in Support Thereof." Dkt # 14. The document is not an opposition brief, as it does not address any of the arguments raised in the motion to dismiss. Instead, it appears to be a complaint. Troublingly, other than the name of the Plaintiff and a few facts about the foreclosed property, the document is virtually identical to a filing by another pro se Plaintiff in a case pending in this Court. *See Hayes v. Wells Fargo Bank*, 13-cv-0420 KAW, Dkt # 27 (document titled "Plaintiff's Notice of Objection to Defendant's Motion to Dismiss Plaintiff's Initial and First Amended Complaints").

1 Within 14 days of the date of this order, Plaintiff shall file an opposition brief responding
2 to the arguments raised in Defendant's motion to dismiss. If Plaintiff does not comply with this
3 order, her case may be dismissed for failure to prosecute, or Defendant's motion to dismiss may
4 be granted with prejudice. *See* Magistrate Judge Westmore's General Standing Order, ¶ 21 ("The
5 failure of the opposing party to file a memorandum of points and authorities in opposition to any
6 motion shall constitute consent to the granting of the motion"). In addition, Plaintiff shall also
7 file a response to this Court's Order to Show Cause explaining her failure to file an opposition
8 when it was originally due on June 13, and why the Court should not dismiss her case for failing
9 to file the opposition.

10 It is so ORDERED.

11
12 DATE: August 23, 2013



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE